

THIS SECTION DOES NOT DIMINISH THE POWER OF A COURT TO PUNISH FOR CONTEMPT.

(D) STATUTE OF LIMITATIONS AND IN BANC REVIEW.

A PERSON WHO IS PROSECUTED UNDER SUBSECTION (B)(1) OF THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE REGARDING THE EXEMPTION FROM THE STATUTE OF LIMITATIONS FOR THE INSTITUTION OF PROSECUTION AND THE RIGHT OF IN BANC REVIEW.

REVISOR'S NOTE: Subsections (a) through (c) of this section are new language derived without substantive change from former Art. 27, § 12B.

Subsection (d) of this section is new language substituted for the former reference to being "imprisoned in the penitentiary" for consistency with CS § 9-103(a), which requires convicted persons to be sentenced to the jurisdiction of the Division of Correction. The revision does not alter the two substantive matters that a penitentiary misdemeanor provision connotes, i.e., exemption from the statute of limitations and the right to in banc review. See CJ § 5-106(b). See Ch. 10, Acts of 2001, § 3 which also enacted this revision.

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute, is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 493, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1920), *Dutton v. State*, 123 Md. 373, 378 (1914), and *Williams v. State*, 4 Md. App. 342, 347.

In subsection (c) of this section, the reference to the inability of this section to "diminish" the power of a court to punish for contempt is substituted for the former reference to the inability of this section to "interfere with or prevent the exercise" by any court of its power to punish, for brevity.

Defined term: "Person" § 1-101

5-212. FAILURE TO APPEAR IN RESPONSE TO CITATION.

(A) APPLICATION OF SECTION.

THIS SECTION DOES NOT APPLY TO A CITATION:

(1) FOR A VIOLATION OF A PARKING ORDINANCE OR REGULATION ADOPTED UNDER TITLE 26, SUBTITLE 3 OF THE TRANSPORTATION ARTICLE;

(2) ADOPTED BY THE CHIEF JUDGE OF THE DISTRICT COURT UNDER § 1-605(D)(8) OF THE COURTS ARTICLE, FOR USE IN TRAFFIC OFFENSES; OR

(3) ISSUED BY A NATURAL RESOURCES POLICE OFFICER UNDER § 1-205 OF THE NATURAL RESOURCES ARTICLE.

(B) BENCH WARRANT.